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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,632	03/31/2004	Noriyuki Matsusue	50024-035	3834
20277	7590	07/21/2006	EXAMINER	
MCDERMOTT WILL & EMERY LLP 600 13TH STREET, N.W. WASHINGTON, DC 20005-3096			YAMNITZKY, MARIE ROSE	
			ART UNIT	PAPER NUMBER
			1774	

DATE MAILED: 07/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/813,632

Applicant(s)

MATSUSUE, NORIYUKI

Examiner

Marie R. Yamnitzky

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato et al. (US 2002/0125818 A1) or under 35 U.S.C. 102(e) as being anticipated by Sato et al. (US 2003/0128418 A9 or US 6,893,743 B2).

The three Sato et al. documents are in the same patent family. The earliest publication (the '818 publication) was published more than one year prior to present applicant's filing date, but is an incomplete publication of Sato's U.S. application. Portions of Sato's U.S. application, including all specific device examples, were not published in the '818 publication. To the extent that part or all of the portions not published in the '818 publication may be deemed necessary to support a rejection of one or more of the present claims under 35 U.S.C. 102, the examiner relies on the '418 publication or the '743 patent.

In the '818 publication, see paragraphs [0031]-[0036], [0047]-[0051], [0074], [0130]-[0135], [0150], [0155]-[0160], [0178]-[0181] and the claims. See the corresponding portions in the '418 publication and '743 patent.

Sato et al. disclose an organic electroluminescent device comprising an anode (hole injection electrode), a light emitting layer and a cathode (electron injection electrode). The light emitting layer comprises a charge-transporting host material, a phosphorescent compound A and a phosphorescent compound B. Phosphorescent compound A corresponds to the assisting dopant required by the present claims, and phosphorescent compound B corresponds to the luminescent dopant required by the present claims.

Regarding the formulae set forth in present claim 4:

the compounds represented by Sato's formulae (T-2) and (T-3) are specific examples of a compound having present formula (1);

the compounds represented by Sato's formulae (T-17) and (T-19) are specific examples of a compound having present formula (2);

the compound represented by Sato's formula (T-21) is a compound having present formula (3);

the compound represented by the second formula on page 39 of the '818 publication (second formula on page 36 of the '418 publication; third formula in column 64 of the '743 patent) is a compound having present formula (4).

Also see Examples 1, 2 and 3 in the '418 publication and '743 patent. The devices of these prior art examples meet the limitations of the present claims. The examiner notes that the light emitting layer of the device of prior art Example 3 has the composition of the red light emitting layer taught at page 34 of the present specification. Sato's host compound (H-1) is

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CBP, Sato's iridium complex (T-2) is  $\text{Ir(ppy)}_3$ , and Sato's iridium complex (T-17) is  $\text{btp}_2\text{Ir(acac)}$ .

3. Miscellaneous:

In claim 4, the period should be moved from the end of the ninth line to after the fourth formula.

4. Any inquiry concerning this communication should be directed to Marie R. Yamnitzky at telephone number (571) 272-1531. The examiner works a flexible schedule but can generally be reached at this number from 6:30 a.m. to 4:00 p.m. Monday, Tuesday, Thursday and Friday, and every other Wednesday from 6:30 a.m. to 3:00 p.m.

The current fax number for all official faxes is (571) 273-8300. (Unofficial faxes to be sent directly to examiner Yamnitzky can be sent to (571) 273-1531.)

MRY  
July 18, 2006



MARIE YAMNITZKY  
PRIMARY EXAMINER

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